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7   UNITED STATES DISTRICT COURT

8   NORTHERN DISTRICT OF CALIFORNIA

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10   MKS INSTRUMENTS INC.,   )
)
11   Plaintiff(s),   )   No. C09-2297 JSW (BZ)
)
12   v.   )   **INITIAL DISCOVERY ORDER**
)
13   NEW POWER PLASMA and DOES   )
     1-10, inclusive,   )
14   )
               Defendant(s).   )
15   _____)

16   All discovery in this matter has been referred to United

17   States Magistrate Judge Bernard Zimmerman.

18   In the event a discovery dispute arises, the parties

19   shall meet in person or, if counsel are outside the Bay Area,

20   by telephone and make a good faith effort to resolve their

21   dispute. Exchanging letters or telephone messages about the

22   dispute is insufficient. The Court will not read subsequent

23   positioning letters; parties shall instead make a

24   contemporaneous record of their meeting using a tape recorder
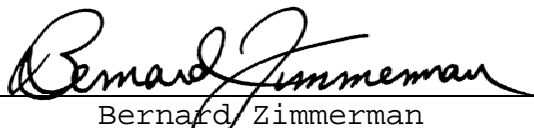
25   or a court reporter.

26   In the event they cannot resolve their dispute, the

27   parties must participate in a telephone conference with the

28   Court **before** filing any discovery motions or other papers.

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1   The party seeking discovery shall request a conference in a

2   letter **filed electronically** not exceeding two pages (with no

3   attachments) which briefly explains the nature of the action

4   and the issues in dispute. Other parties shall reply in

5   similar fashion within two days of receiving the letter

6   requesting the conference. The Court will contact the parties

7   to schedule the conference.

8   After the conference with the Court, if filing papers is

9   deemed necessary, they should be filed **electronically** with the

10 Clerk's Office, with **one hard copy delivered directly to**

11 **Magistrate Judge Zimmerman's Chambers (Room 15-6688).** A

12 chambers copy of all briefs shall be submitted on a diskette

13 formatted in WordPerfect or e-mailed to the following address:

14 **bzpo@cand.uscourts.gov**

15 Dated: July 10, 2009

16   _____
                                      Bernard Zimmerman
17   United States Magistrate Judge

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